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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,470	04/13/2004	Bruce Neil Campbell	200314238-1	4587

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

LEE, WILSON

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,470

Applicant(s)

CAMPBELL ET AL.

Examiner

Wilson Lee

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is inoperative.

Claims 1-5 does not state that the "reader program" is being executable by a computer or processor. Therefore it is not operative.

Claims 6-10 are rejected under 35 U.S.C. 101 because the disclosed invention is non-statutory subject matter.

The claims are directed to a method which is seemingly a software product. A claim that recites a piece of software alone without any link to a hardware component is directed to non-statutory subject matter and inoperative. It is not patent eligible subject matter in accordance with *In re Warmerdam*, 31 USPQ 2d, 1354.

Claims 6-10 are rejected under 35 U.S.C. 101 because the disclosed invention fails to produce any tangible and useful results.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hussam (US publication 2003/0050927).

Regarding Claim 1, Hussam discloses a computer system comprising:

computer-readable media (display) (See paragraphs, 0009, 0016, 0197, 0222, 0245, Figures 1-48), a reader program for rendering information in a computer readable document file in human-cognizable form, said reader program being stored on said computer-readable media, said reader program including

- a document parser (UR identifier) for identifying a network location (document's URL) specified by an original version of said document file (See Figures 9, 12, paragraphs 0010, 0022, 0037-0040, 0082-0089, 0097, 0119, 0245, 0246, 0252, 0253, 0279, 0285, 0290-0297, 0317, 0352, 0369, 0408),
- a network interface for accessing an updated version of said document file via said network location (0010, 0022, 0082-0089, 0246, 0317, 0352, 0408), and
- a renderer for causing information in said updated version to be rendered in human-cognizable form (on display) (See paragraphs 0009, 0016, 0088, 0197, 0222, 0245),

Regarding Claim 2, Hussam discloses that said reader program further includes a host interface (host service, server) (See paragraphs 0188, 0356) for receiving a help request (search request, query) from a local version of a host application, said document file being a help file for said host application, said updated version of said

document file being a more recent version (version being updated locally by a user) of said document file for a more recent version of said host application (See paragraphs 0010, 0022, 0082-0089, 0097, 0159, 0164, 0174, 0246, 0317, 0352, 0358).

Regarding Claim 3, Hussam discloses that said document is in pdf or html format (0295, 0301, 0348, 0350, 0404, 0405).

Regarding Claim 4, Hussam discloses that said reader program further includes a host interface (host service, server) (See paragraphs 0188, 0356) for receiving a help request (search request, query) from a local version of a host application, said document file being a help file for said host application, said updated version of said document file being a more-recent version (version being updated locally by a user) of said document for said local version of said host application (See paragraphs 0010, 0022, 0082-0089, 0097, 0159, 0164, 0174, 0246, 0317, 0352, 0358).

Regarding Claim 5, Hussam discloses that said host interface also provides for receiving a version identification (See paragraphs 0253, 0254) for said host application from said host application.

Regarding Claim 6, Hussam discloses a method (Figs. 1-48) comprising:

- accessing an original version of a document file, said original version of said document file specifying a network location (document's URL) (See Figures 9, 12, paragraphs 0010, 0022, 0037-0040, 0082-0089, 0097, 0119, 0245, 0246, 0252, 0253, 0279, 0285, 0290-0297, 0317, 0352, 0369, 0408),

- accessing an updated version of said document file via said network location, said updated version having updated information (0010, 0022, 0082-0089, 0246, 0317, 0352, 0408); and
- rendering said updated information in human-cognizable form (on display) (See paragraphs 0009, 0016, 0088, 0197, 0222, 0245).

Regarding Claim 7, Hussam discloses the method further comprising receiving a help request from a local version of a host application (host service, server) (See paragraphs 0188, 0356), said accessing an original version occurring in response to said help request (search request, query), said updated version corresponding to a more-recent version of said document file for a more-recent version of said host application (See paragraphs 0085, 0159, 0164, 0174).

Regarding Claim 8, Hussam discloses that said document is in html or pdf format (0295, 0301, 0348, 0350, 0404, 0405).

Regarding Claim 9, Hussam discloses the method further comprising receiving a help request from a local version of a host application (host service, server) (See paragraphs 0188, 0356), said accessing an original version occurring in response to said help request (search request, query), said updated version corresponding to a more-recent version (version being updated locally by a user) of said document file for said local version of said host application (See paragraphs 0010, 0022, 0082-0089, 0097, 0159, 0164, 0174, 0246, 0317, 0352, 0358).

Regarding Claim 10, Hussam discloses the method further comprising receiving version identification for said host application from said host application (See paragraphs 0253, 0254).

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Robotham et al. (US publication 2002/0015042).

Regarding Claim 1, Robotham discloses a computer system comprising:
computer-readable media (display) (See paragraph 0285 and Figs 1-19),

- a reader program (See paragraph 0063, 0305) for rendering information in a computer readable document file in human-cognizable form, said reader program being stored on said computer-readable media, said reader program including
 - o a document parser (URL) for identifying a network location (the document's bookmark specifies the location) specified by an original version of said document file (See paragraphs 0174, 0203, 0221, 0222, 0286, 0316, 0429, 0487),
 - o a network interface (22) for accessing an updated version of said document file via said network location (See paragraphs 0060, 0073, 0100, 0112, 0120, 0138, 0141, 0148, 0191, 0205, 0217, 0243, 0244, 0248, 0251, 0258, 0271, 0272, 0285, 0292, 0323, 0333, 0352, 0389, 0393, 0452); and

- a renderer for causing information in said updated version (See paragraph 0243) to be rendered in human-cognizable form (on display) (See paragraphs 0285, 0306, 0407).

Regarding Claim 2, Robotham discloses that said reader program further includes a host interface for receiving a help request from a local version of a host application (See paragraphs 0337, 0345), said document file being a help file for said host application, said updated version of said document file being a more recent version (become an updated version) of said document file for a more recent version of said host program (See paragraphs 0060, 0073, 0100, 0112, 0120, 0138, 0141, 0148, 0191, 0205, 0217, 0243, 0244, 0248, 0251, 0258, 0271, 0272, 0285, 0292, 0323, 0333, 0352, 0389, 0393, 0452).

Regarding Claim 3, Robotham discloses that said document is in pdf or html format (See paragraphs 0083, 0319, 0413).

Regarding Claim 4, Robotham discloses that said reader program further includes a host interface for receiving a help request from a local version of a host application (See paragraphs 0337, 0345), said document file being a help file for said host application, said updated version of said document file being a more-recent version (become an updated version) of said document for said local version of said host application (See paragraphs 0060, 0073, 0100, 0112, 0120, 0138, 0141, 0148, 0191, 0205, 0217, 0243, 0244, 0248, 0251, 0258, 0271, 0272, 0285, 0292, 0323, 0333, 0352, 0389, 0393, 0452).

Regarding Claim 5, Robotham discloses that said host interface also provides for receiving a version identification for said host application from said host application (See paragraphs 0057, 0102, 0124).

Regarding Claim 6, Robotham discloses a method (figs. 1-19) comprising:

- accessing an original version of a document file, said original version of said document file specifying a network location (the document's bookmark specifies the location) (See paragraphs 0174, 0203, 0221, 0222, 0286, 0316, 0429, 0487),
- accessing an updated version of said document file via said network location, said updated version having updated information (See paragraphs 0060, 0073, 0100, 0112, 0120, 0138, 0141, 0148, 0191, 0205, 0217, 0243, 0244, 0248, 0251, 0258, 0271, 0272, 0285, 0292, 0323, 0333, 0352, 0389, 0393, 0452); and
- rendering said updated information in human-cognizable form (on display) (See paragraphs 0285, 0306, 0407).

Regarding Claim 7, Robotham discloses the method further comprising receiving a help request from a local version of a host application (See paragraphs 0337, 0345), said accessing an original version occurring in response to said help request, said updated version corresponding to a more-recent version (become an updated version) of said document file for a more-recent version of said host application (See paragraphs 0060, 0073, 0100, 0112, 0120, 0138, 0141, 0148, 0191, 0205, 0217, 0243, 0244, 0248, 0251, 0258, 0271, 0272, 0285, 0292, 0323, 0333, 0352, 0389, 0393, 0452).

Regarding Claim 8, Robotham discloses that said document is in html or pdf format (See paragraphs 0083, 0319, 0413).

Regarding Claim 9, Robotham discloses the method further comprising receiving a help request from a local version of a host application (See paragraphs 0337, 0345), said accessing an original version occurring in response to said help request, said updated version corresponding to a more-recent version (become an updated version) of said document file for said local version of said host application (See paragraphs 0060, 0073, 0100, 0112, 0120, 0138, 0141, 0148, 0191, 0205, 0217, 0243, 0244, 0248, 0251, 0258, 0271, 0272, 0285, 0292, 0323, 0333, 0352, 0389, 0393, 0452).

Regarding Claim 10, Robotham discloses the method further comprising receiving version identification for said host application from said host application (See paragraphs 0057, 0102, 0124).

Remarks

Applicant argues neither Hussam nor Robotham fails to disclose an original version of a document that specifies a network location of a more-recent version of the document.

Examiner respectfully disagrees.

Hussam's URL (e.g. web site link) of the document (not updated yet) specifies a network location of a more recent version (after being updated by a server or locally by a user). The meaning of "updated" already tells it is a recent version. As to Robotham, in paragraph 0203 specifically, the bookmarks (original document) specify the network location (URL). And in paragraphs 0141 and 0191, specifically, the data can be

updated and therefore the updated document will obtain the updated (more recent) network location (URL).

Further, such limitation "an original version of a document that specifies a network location of a more-recent version of the document" is not recited in any claims. If an original version document obtains network location of a more-recent version, it means that the original version of a document is not original anymore, it becomes a more-recent version of the document. It is not understood why it is still called "original version" document while having a network location of a more-recent version (updated) of the document. If this limitation is recited in the claims, it will be vague to the claimed invention.

Correspondence


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", written over a horizontal line.

Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

3/31/07